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MEMO ENDORSED

August 21, 2023

By ECF

The Honorable Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

Re: *GlobalFoundries U.S. Inc. v.*
International Business Machines Corporation,
Case No. 7:23-cv-03348-KMK-AEK

Dear Judge Karas:

We write on behalf of Defendant International Business Machines Corporation ("IBM") to request an order under Your Honor's Individual Rule IX authorizing the sealed filing of certain exhibits to the August 21, 2023 Declaration of Robert A. Atkins in support of IBM's Motion to Dismiss the Complaint filed by Plaintiff GlobalFoundries U.S. Inc. ("GF") on April 21, 2023 (ECF No. 1) in the above-referenced action.

These exhibits, which contain confidential business information, are the Master IBM Joint Development Terms and Conditions (Ex. 1), the Albany Cooperation Agreement (Ex. 2), GF's state court complaint against IBM (Index No. 653640/2021 NY Sup. Ct. June 7, 2021) (Ex. 3), the Joint Development Project Agreement for Pathfinding Semiconductor Technology Research (Ex. 4), the Fifth Amended and Restated Participation Agreement (Ex. 22), and the Master Transaction Agreement (Ex. 23). A minimally redacted copy of Exhibit 3 is publicly filed.

On May 11, 2023, the Court granted Plaintiff's application to permanently maintain the sealed, unredacted Complaint filed in Dkt. No. 23-MC-111. (ECF No. 37.) The agreements IBM seeks to file under seal include text from that Complaint that the Court already has ordered to be permanently maintained under seal. Similarly, the redactions to the state court complaint,

Ex. 3, are to terms of agreements between IBM and GF.

Granted.

Respectfully submitted,

So Ordered

/s/ Robert A. Atkins

Robert A. Atkins


8/22/23

cc: All counsel of record (via ECF)